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Division of Water Quality
P.O. Box 029 Trenton, NJ 08625-0029
Phone: (609) 292-4860
Fax: (609) 984-7938

To: Distribution List

Re: Statewide **Final** NJPDES General Petroleum Product Clean-up Permit (GPPC)
Category: B4B
NJPDES Permit No. NJ0102709

Dear Interested Party:

This letter serves to provide notice that the **final** New Jersey Pollutant Discharge Elimination System (NJPDES) permit action identified above has been issued in accordance with N.J.A.C. 7:14A. This permit renewal authorizes the discharge of remediated groundwater resulting from petroleum product contamination to surface waters of the state. The Department has prepared a renewal to this permit in final form that is now available for review. You can find the relevant documents on the Department's web site at www.state.nj.us/dep/dwq under General Petroleum Product Clean-up permit. Part of the final permit includes a Response to Comments document which contains a summary of the significant and relevant comments received on the draft action during the public comment period, the Department's responses, and an explanation of any changes from the draft action have been included. If you would prefer that a paper copy of the final permit be mailed to you, please contact Deanna Carabelli of the Bureau of Point Source Permitting Region 2 at (609) 292-4860 or via e-mail at deanna.carabelli@dep.state.nj.us.

Many permittees who have been issued individual authorizations under the existing GPPC permit have requested that those authorizations be renewed by submitting appropriate NJPDES renewal applications forms. The Department will process those applications by issuing a renewal authorization prior to the expiration date of November 30, 2003. A listing of the authorizations that will be renewed under this final master permit is attached.

If you have questions or comments regarding the final action, please contact Susan Rosenwinkel (609) 292-4860 or via e-mail at susan.rosenwinkel@dep.state.nj.us.

Sincerely,

Sincerely,

Howard Tompkins, Chief
Bureau of Point Source Permitting Region 1

Pilar Patterson, Chief
Bureau of Point Source Permitting Region 2

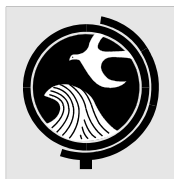
Enclosure
c: Permit Distribution List
Masterfile #: 39609; PI #: 50577

Permit No.	Site Name	Township	County
66486	Sunoco S/S	East Hanover	Morris

70068	Exxon S/S 3-0097	Madison	Morris
71650	Delta S/S	Franklin	Somerset
71781	Shell S/S	Ridgewood	Bergen
72711	Shell S/S - Delran	Delran	Burlington
73555	Conoco Philipps 2634856	Paramus	Bergen
74942	Sunoco - Lake Hiawatha	Parsippany-Troy Hills	Morris
75132	Exxon S/S 3-2594	Lawrence Twp.	Mercer
76473	Quick Mart S/S	Hamilton	Mercer
76511	Mobil S/S 15-BF2	West Milford	Passaic
78115	Mobil S/S 15-632	Hopewell	Mercer
78719	Former Exxon S/S 3-1014	Orange	Essex
79197	Shell S/S - Metuchen	Metuchen	Middlesex
79804	Exxon 3-3425	Springfield	Union
80853	Exxon 3-5598	Fairlawn Boro	Bergen
85685	NJ Tpk. Authority	Hamilton	Mercer
86240	Exxon 3-2556	Millstone	Monmouth
88871	Sunoco S/S	Somerville	Somerset
89842	Sunoco S/S 4-6284	Evesham	Burlington
100170	Exxon 3-2124	Woodbridge	Middlesex
102857	Hess S/S 30226	Somerville	Somerset
103578	Exxon S/S 3-2095	Deptford	Gloucester
104256	Sunoco - Newark Terminal	Newark	Essex
104434	Hess S/S 30317	Ridgewood	Bergen
105082	Former Exxon S/S 3-0065	Irvington	Essex
105619	Exxon S/S 3-2010	City of Orange	Essex
108952	Exxon 3-2256	Ramsey	Bergen
109088	Sunoco S/S 7-1027	Denville Twp.	Morris
128031	Verizon Communications	Voorhees	Camden
128520	Shell S/S - Princeton Jct.	Princeton	Mercer
129488	Texaco	West Milford	Passaic
131971	Shell S/S - Rockaway	Rockaway	Morris
132365	Mobil S/S 15BFQ	Vernon	Sussex
132381	Exxon 3-4277	Cranford	Union
132713	Texaco	Morristown	Morris
132951	NJ Newsdealers	Wall	Monmouth
133086	Sunoco S/S 6-6498	Ridgefield Borough	Bergen
133396	Mobil 15-JG2	North Arlington	Bergen
134431	St. Paul's Cemetery	Burlington City	Burlington
134660	A-Z Automotive	West Milford	Passaic
134899	Buckeye Pipeline	Hillsborough	Somerset
134929	NJ Natural Gas	Atlantic Highlands	Monmouth
136115	Amoco S/S 5186	Maple Shade	Burlington
136158	BP Amoco S/S 842	Edison	Middlesex
136727	Getty 56868	Clifton	Passaic
136867	Texaco S/S - Sicklerville	Winslow	Camden
137774	Joashlin Construction	Passaic	Passaic
137901	Sunoco (former)	Piscataway	Middlesex
138614	Shell S/S - Fairfield	Fairfield	Essex
138941	OWF LLC	Neptune	Monmouth
139050	Federal Creosote Superfund	Manville	Somerset
Permit No.	Site Name	Township	County
139114	Mikasa Factory Store	Flemington	Hunterdon
139886	Rebco Realty	West Paterson	Passaic
141437	Former Texaco	Englewood City	Bergen

141721	Getty 56276	Fort Lee Boro	Bergen
145556	A.D. Runyon	Millington	Morris
145742	Hess 30517	Secaucus	Hudson
145743	WA Residential Company	Jersey City	Hudson
145858	Texaco S/S 100115	Morristown	Morris
145921	Shell S/S – Butler	Butler	Morris
145963	Conoco Phillips 2634837	Manalapan	Monmouth
146064	Sea Isle City Former MGP	Sea Isle City	Cape May

New Jersey Department of Environmental Protection



NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM

The New Jersey Department of Environmental Protection hereby grants you a NJPDES permit for the facility/activity named in this document. This permit is the regulatory mechanism used by the Department to help ensure your discharge will not harm the environment. By complying with the terms and conditions specified, you are assuming an important role in protecting New Jersey's valuable water resources. Your acceptance of this permit is an agreement to conform with all of its provisions when constructing, installing, modifying, or operating any facility for the collection, treatment, or discharge of pollutants to waters of the state. If you have any questions about this document, please feel free to contact the Department representative listed in the permit cover letter. Your cooperation in helping us protect and safeguard our state's environment is appreciated.

Permit Number: NJ0102709

Final: Surface Water Master General Permit Renewal

Permittee:

NJPDES Master General Permit Program Interest
Category B4B
Per Individual Notice of Authorization
Division of Water Quality
P.O. Box 029, 401 East State Street
Trenton, NJ 08625

Co-Permittee:

Property Owner:

NJPDES Master General Permit Program Interest
Category B4B
Per Individual Notice of Authorization
Division of Water Quality
P.O. Box 029, 401 East State Street
Trenton, NJ 08625

Location Of Activity:

NJPDES Master General Permit Program Interest
Category B4B
Per Individual Notice of Authorization
Division of Water Quality
P.O. Box 029, 401 East State Street
Trenton, NJ 08625

Authorization(s) Covered Under This Approval	Issuance Date	Effective Date	Expiration Date
B4B -General Permit GW Petro Prod Cleanup	10/30/2003	12/1/2003	11/30/2008

By Authority of:

Commissioner's Office

DEP AUTHORIZATION

Pilar Patterson, Chief
Bureau of Point Source Permitting – Region 2
Division of Water Quality

DEP AUTHORIZATION

Howard Tompkins, Chief
Bureau of Point Source Permitting – Region 1
Division of Water Quality

(Terms, conditions and provisions attached hereto)

Division of Water Quality

**Response to Comments
Master General Petroleum Products Clean-up Permit**

The draft general petroleum products clean-up (GPPC) permit was issued on September 19, 2003. Comments were received from the following persons:

1. Andrew Grier
Project Engineer
Resource Control Corp.
Church Street
Moorestown, NJ 08640
2. Michelle L. Smith
Project Scientist
NewFields
103 Carnegie Center, Suite 109
Princeton, NJ 08540
3. Cindy Zipf, Executive Director
Kristen Milligan, Ph.D., Staff Scientist
Clean Ocean Action
18 Hartshorne Drive
P.O. Box 505
Highlands, NJ 07732-0505

A summary of the comments and the Department's responses follows below. Please note that the commentors are identified by the numbers above.

Comment 1: In Part III, Tables A, B, C, D and E, Surface Water DMR Limits and Monitoring Requirements, the parameter Tertiary Butyl Alcohol (TBA) effluent gross value is listed twice. This is most likely a misprint as the Master GPPC Fact sheet indicates that both influent and effluent monitoring of TBA will be required. (Commentor 1, 2)

Response 1: The commentors are correct in that "TBA, effluent gross value" is mistakenly listed twice whereas monitoring for TBA influent is not listed. As described in the permit Fact Sheet in several locations, the Department's intent was to include monthly average and daily maximum monitoring for TBA in the effluent **and** in the influent.

This mistake has been corrected in the final permit where changes have been made to Part III, Tables A, B, C, D and E namely pages 2, 4, 6, 8 and 10.

Comment 2: Page 13 of 25 of the fact sheet states the current monitoring frequency for pH is monthly and will remain monthly. This is incorrect. The current monitoring frequency of pH is quarterly. Is the change from quarterly to monthly monitoring necessary considering the additional costs that will be passed on to NJPDES permittees?

The Department should change the monitoring frequency of pH in Part III-Limits and Monitoring Requirements-Tables A, B, C and D to quarterly. (Commentor 1, 2)

Response 2: The commentors are correct in that the current GPPC permit specifies a quarterly monitoring frequency for pH. Given that pH is not a toxic pollutant as well as the consistent compliance record of the

discharges covered under the GPPC, the Department intended to maintain a quarterly monitoring frequency for pH for remediation discharges. Inclusion of a monthly monitoring frequency was an inadvertent error and has been corrected in this final permit.

This change affects Part III, Tables A, B, C and D, pages 1, 3, 5, and 7.

Comment 3: Page 13 of 25 of the fact sheet states that the current monitoring frequency for petroleum hydrocarbons is quarterly and will remain quarterly. However, Tables A, B, C and D indicate that the monitoring frequency is monthly. Is the change from quarterly to monthly monitoring necessary considering the additional costs that will be passed on to NJPDES permittees? The Department should change the monitoring frequency of petroleum hydrocarbons in Part III-Limits and Monitoring Requirements - Tables A, B, C and D to quarterly. (Commentor 1, 2)

Response 3: The commentors are correct in that the current GPPC permit specifies a quarterly monitoring frequency for total petroleum hydrocarbons. The Department intended to maintain a quarterly monitoring frequency based on consideration of the following facts: (1) petroleum hydrocarbons is not a toxic pollutant, (2) the extensive treatment systems that are utilized to ensure compliance with the other limited pollutants, and (3) the consistent compliance record of the discharges covered under the GPPC. Inclusion of a monthly monitoring frequency was an inadvertent error and has been corrected in this final permit.

This change affects Part III, Tables A, B, C and D, pages 1, 3, 5, and 7.

Comment 4: Page 7 of 23 of the fact sheet states that *“In the event that a permittee monitors MTBE more than once during a particular calendar month, calculate the individual percent removal values for each data set (influent and effluent) and divide by the number of data sets available to obtain MTBE % removal value.”* Is it the Department’s intent that the MTBE % removal value to be reported on the discharge monitoring report (DMR) would be the average of all the percent removals calculated during that particular month? For example, if 2 sets of influent and effluent MTBE samples were collected, the results of which were 50% removal and 99% removal, the monthly average minimum percent removal would be reported as 74.5% on the DMR? (Commentor 2)

Response 4: As indicated in Part III, Tables A, B, C, D and E, the statistical basis for MTBE percent removal is “Monthly Average Minimum”. For those tables where a limit for MTBE percent removal is specified, that limit is applied as a monthly average minimum. Therefore, as indicated in the above example, if two sets of influent and effluent MTBE samples are collected, the permittee should average the two resulting percent removal values to be reported on the monitoring report form for comparison against the monthly average minimum limit.

No change to the permit is necessary as a result of this comment.

Comment 5: Page 11 of 25 of the fact sheet states the Department is reducing the Benzene limitation for saline dischargers from 50 µg/L to 7 µg/L based on the facts that *“very few facilities discharge to saline waters”* and *“only two were out of compliance with the limit of 7 µg/L”*. Page 24 of 25 of the fact sheet indicates that between August 2000 and March 2003 there were 2 benzene exceedances. The Department has stipulated that these 2 exceedances were from sites where discharges were to saline waters. Therefore it can be inferred that discharges to saline waters warrant a higher Benzene limitation. In addition, saline waters are not used as potable sources therefore a lower Benzene limit is not warranted. (Commentor 2)

Response 5: In evaluating benzene discharge data, the Department did not differentiate between fresh waters or saline waters. Therefore, the two exceedances referenced in the fact sheet were exceedances of the limit imposed for fresh waters, namely 7 µg/L. These exceedances may not have been permit violations since they may not have been in excess of the 50 µg/L limit which could have been applicable. Therefore, it should not be inferred that, based on these two values, discharges to a saline waterbody warrant a higher benzene limit since the Department

did not differentiate between fresh water and saline water discharges in summarizing the discharge data and in evaluating such data for compliance purposes.

The commentor is correct in that the Department has lowered the benzene limit from 50 µg/L to 7 µg/L for saline waters where this new limit becomes effective after December 1, 2006. While the Department agrees that a lower benzene limit may not be warranted from a potable water perspective, the Department maintains that a benzene limit of 7 µg/L is a clearly economically and technologically achievable as evidenced by discharge data showing that 97.2% of all benzene data points are non-detectable. In fact, the average value was 1.14 µg/L and the maximum value was 5.1 µg/L as specified on page 20 of the Fact Sheet. These values are well below the effluent limit of 7 µg/L. The Department is justified in setting limits based on technological capabilities pursuant to N.J.A.C. 7:14A-13.2(a)1.ii., 13.3(b) and 13.4.

No change to the permit is necessary as a result of this comment.

Comment 6: Page 11 of 25 of the fact sheet states that the new effluent limitation for lead has been set at 10 µg/L (in lieu of 37 µg/L monthly average and 79 µg/L daily maximum). Page 24 of 25 of the fact sheet indicates that between August 2000 and March 2003 the average detected lead result was 8.54 µg/L, the maximum was 36 µg/L, two samples were out of compliance and 127 samples indicated detected values. The number of samples out of compliance was based on an exceedance of the current 37 µg/L permit limitation, not the proposed limitation of 10 µg/L. In addition, the average value does not contain the two values that were out of compliance; therefore it is not a true average of all the detected lead results for that specific period.

The average detected lead result, as reported by the Department, was 8.54 µg/L. Therefore it is possible that many of the samples did exceed the proposed 10 µg/L limitation. Thus Department should reevaluate the August 2000 to March 2003 samples to see how many of the samples would have been out of compliance with the proposed 10 µg/L limitation. The Department should then impose a lead limitation based on treatment technology pursuant to N.J.A.C. 7:14A-13.2(a)1.ii, 13.3(b) and 13.4.

The Department should consider the fact that the treatment units, at many of the current groundwater remediation systems at retail gasoline service stations, consist of air strippers, granular activated carbon units and/or suspended solids filters. These treatment units were not designed to treat/remove lead to below 10 µg/L. If a lead limitation of 10 µg/L were to be imposed, some of the treatment systems would have to be redesigned in order to ensure compliance with the new standard. Several of the current treatment sheds do not have enough room to add additional treatment units. In these cases, an additional shed or fence would have to be placed on site which would require local permits, zoning and planning board approvals, installation technicians and engineers.

The installation of additional treatment units would also require a new Treatment Works Approval (“TWA”). The revised Licensed Operator Grading Sheet, which is part of the TWA application, may require a licensed operator one grade above the current grade. Typically N2 operators are required for these types of groundwater remediation systems. The addition of a lead filter, or other treatment unit, may demonstrate an N3 operator is required. N3 operators are required to be on-site 40 hours/week, instead of approximately 8 hours/month required by the N2 operator.

If the groundwater remediation system can not come into compliance with the 10 µg/L limitation by December 1, 2006, the system would have to be shut down in order to avoid monetary penalties. A remediation system shut down could cause the loss of hydraulic control and thereby allow the possible off-site migration of soluble hydrocarbons. (Commentor 2)

Response 6: First, it is important to note that lead limits are only imposed at those sites where lead is shown to be present. Lead is no longer typically found in contaminated groundwater at gasoline stations since the use of tetraethyl lead as an anti-knocking compounds was phased out some time ago. Therefore, although the

Department has imposed a more stringent lead limit, it is important to distinguish the fact that this more stringent limit only affects a portion of the sites regulated under the GPPC permit. Approximately 16% of authorized GPPC discharges contain an effluent lead limit.

The Department recognizes that there may be some initial technological difficulty in complying with a lead limit of 10 µg/L. However, the basis for this lead limit, which is equivalent to the Recommended Quantitation Level (RQL), is a result of water quality considerations, not technology. The New Jersey Surface Water Quality Standard (NJSWQS) for lead is 5.4 µg/L for fresh waters and 8.1 µg/L for saline waters. Because the average effluent value for lead is 8.54 µg/L, as indicated on page 23 of the Fact Sheet, the Department maintains that this limit of 10 µg/L is technologically achievable.

The Department recognizes that lowering this limit may result in some treatment systems requiring upgrades and/or increased maintenance. The three year compliance schedule has been included to allow for these improvements. Even given the constraints identified in this comment, the Department has determined that three years is ample time to allow for these changes.

No changes to the permit have been made as a result of this comment.

Comment 7: Commentor 3 supports the Department's proposal to implement a discharge limit for lead that equals the detection level.

Response 7: The Department acknowledges this commentor's concurrence but notes that the lead limit of 10 µg/L has not been set equal to the detection level, as indicated in this comment, but rather the RQL.

Comment 8: Page 20 of 25 of the fact sheet states that a permit issued for a dewatering/pump test project will administratively expire in six months. The Department should clarify whether the permittee is required to submit a termination and/or closure form in order to "officially terminate/close-out" the permit. The Department should also clarify if the permittee is required to submit DMRs after the permit has "expired" or only after it is "officially terminated/closed-out". (Commentor 2)

Response 8: The permittee is not required to submit forms to revoke a permit for a dewatering/pump test discharge unless the permittee wishes to revoke such permit prior to the expiration date specified in the individual authorization. The permittee is also not required to submit monitoring report forms after an individual permit authorization has expired. However, the permittee is always required to submit monitoring report forms up until the authorization is expired or revoked even if there is no discharge.

It is also important to note that the Department can issue a discharge authorization under Table E for a longer period of time than six months, as described on page 17 of the Fact Sheet. The Department will routinely issue Table E for a six month time period unless the applicant specifies otherwise during the application process.

No change to the permit is necessary as a result of this comment .

Comment 9: The fact sheet states the "*permittee shall ensure that a tag is present to mark the location of the outfall pipe on or before the start of discharge.*" The Department should be aware that many of the existing groundwater remediation systems at retail gasoline service stations do not discharge directly to surface water. Instead the discharge is to a public/private owned conveyance system. Requiring the permittee to tag the outfall pipe would require the tracing of the conveyance system piping to the point of the direct discharge to the surface water body (i.e. the outfall pipe). This would be a lengthy process.

As is the case with most groundwater remediation systems at retail gasoline service stations, the outfall pipe will not be located on the permittee's property. This may force the permittee to obtain an access agreement in order to enter the property and tag the outfall pipe. An access agreement could realistically take up to several months to

obtain. In addition, the outfall pipe is already tagged by the discharger who's property it is located on. Multiple outfall taggings is of little or no value.

In lieu of tagging the outfall pipe, the Department should only require the outfall pipe to be tagged if (1) the discharge is directly to a surface water body and (2) the outfall pipe is located on your property. Discharges to surface water through a stormwater conveyance system should not be required to be tagged at the outfall pipe. (Commentor 2)

Response 9: As indicated in this comment, page 14 of the Fact Sheet contains a reference to the regulatory requirements concerning outfall tagging at N.J.A.C. 7:14A-6.2(a)9. This regulation states the following:

9. All permittees with discharges that flow through an outfall pipe, unless such outfall pipe is completely and continuously submerged or is not assigned a Discharge Serial Number (DSN), shall notify the Department that a tag to mark the location of the pipe has been or will be installed on the pipe by the effective date of the permit or by May 5, 1998, whichever is sooner.

i. The outfall tag shall be:

- (1) Legible;*
- (2) Located as near to the end of the outfall pipe as possible;*
- (3) Made of a durable material such as metal; and*
- (4) Maintained on a regular basis, such as cleaned and inspected to ensure that the tag is properly attached.*

ii. The outfall tag shall display, at a minimum, the following information:

- (1) The name of the facility where the discharge originates;*
- (2) The NJPDES permit number;*
- (3) The NJDEP Hotline phone number; and*
- (4) The Discharge Serial Number for that particular outfall.*

As can be seen from the regulation, compliance with such does involve some site-specific judgement particularly with respect to N.J.A.C. 7:14A-6.2(a)9(2). Therefore, with respect to this comment, the Department suggests compliance with the actual regulation to the best degree practicable where the Department's appropriate Bureau of Water Compliance and Enforcement can be consulted for compliance on a site-specific basis.

No change to the permit is necessary as a result of this comment.

Comment 10: Part III-Limits and Monitoring Requirements-Table C states the pH limitations are 6.0-9.0 SU. The Permit Summary Table of the fact sheet indicates the pH limitations for Table C are 6.5-8.5 SU. The Department should correct this discrepancy. (Commentor 2)

Response 10: The pH limitations for Table C are 6.5 S.U. as a daily minimum and 8.5 S.U. as a daily maximum. The commentor is correct in that these limits were incorrectly identified in Part III. This error has been corrected in this final permit.

This change affects page 5 of Part III of the final permit.

Comment 11: Part III-Limits and Monitoring Requirements-Table C states the Naphthalene limitations are 22 µg/L monthly average and 59 µg/L daily maximum. The Permit Summary Table of the fact sheet indicates the Naphthalene limitations for Table C are 8.0 µg/L daily maximum. The Department should correct this discrepancy. (Commentor 2)

Response 11: The naphthalene limitations for Table C are monitoring only as a monthly average and 8.0 µg/L as a daily maximum. The commentor is correct in that these limits were incorrectly identified in Part III. This error has been corrected in this final permit.

This change affects page 6 of Part III of the final permit.

Comment 12: Part III-Limits and Monitoring Requirements-Table E states the sampling frequency is once / 4 days. The Department should indicate if “days” means “calendar days” or “working days”. (Commentor 2)

Response 12: The permittee is required to sample whenever there is a discharge. Therefore, the permittee is required to sample once every four calendar days.

This clarification is hereby incorporated into the Administrative Record. No change to the permit is necessary as a result of this comment.

Comment 13: Condition E.8. of Part IV of the permit states “*if the permittee permanently discontinues its discharge to surface waters for 30 days or more the appropriate Regional Bureau of Water and Compliance Enforcement shall be notified*”. The Department should clarify the intent of this condition. Does this mean (1) if the system is permanently shut down the permittee should notify the enforcement region, (2) if the system is temporarily shut down for more than 30 days the permittee should notify the enforcement region, or (3) within 30 days of a permanent shut down the permittee should notify the enforcement region. The Department should note that maintenance on groundwater remediation systems could take longer than 30 days to complete due to the ordering of parts, scheduling of maintenance workers and scheduling of the restart of the system in the beginning of the calendar month.

Condition E.8, as stated, does not specify whether written or verbal notification to the Enforcement Region is required. The existing General Permit states if the system is temporarily shut down the permittee shall document the reasons on the Transmittal Sheet and if the system is permanently shut down the Enforcement Region should be notified. (Commentor 2)

Response 13: The purpose of this condition is to clarify that the Regional Enforcement Bureau should be contacted concerning any **permanent** changes to the discharge. The permittee should follow the procedures at N.J.A.C. 7:14A-16.3 which require a written request for any permit revocation.

Reference to the regional enforcement office has also been included in the final GPPC permit for clarification purposes. The regional enforcement office can assist permittees in various options that may be appropriate for a discharge that is discontinued either permanently or temporarily. For example, if a system is shutdown for maintenance for an extended period of time, the Enforcement office may be able to suspend the submission of monitoring report forms. Regarding systems that will be permanently shutdown, the Enforcement office can assist the permittee in locating the appropriate closure forms as well as advising them of the appropriate closure procedures.

Comment 14: Condition E.9. of Part IV of the permit states “*If the Department’s Site Remediation Program has approved termination of a groundwater remediation discharge to water and, as a result, the permittee has ceased its discharge to surface water, the permittee can request revocation of its individual authorization under the GPPC permit.*” There can be several reasons for a permittee to terminate a discharge to surface water permit. The permittee may decide to discharge to a sewerage authority, discharge to groundwater via injection wells or trenches, discharge to groundwater via overland flow, discharge to groundwater via spray irrigation or haul the water off-site. In addition, clean-ups are occasionally conducted voluntarily. Therefore the Department should not make the termination of a permit dependent upon the approval of Site Remediation. (Commentor 2)

Response 14: The Department's intent in including this language was to clarify to the permittee that the permitting bureau would consult with the Site Remediation Program prior to revoking an individual authorization. It is true that there are many reasons that a discharge authorization could be discontinued and confirmation by the Site Remediation Program may not be necessary in some circumstances. Nonetheless, the language has been retained, with a minor change, since the Department maintains that it is important to clarify that the Department will not revoke an individual authorization if the Site Remediation Program disagrees that revocation is appropriate. An example of this circumstance would be a case for which the Site Remediation Program is requiring the discharge to surface water to ensure hydraulic control.

Based on the concerns raised in this comment, the Department has modified this language as follows (deletions shown with strikethrough, additions shown with underline):

~~If the Department's Site Remediation Program has approved termination of a groundwater remediation discharge to water and, as a result, the permittee has~~ permanently ~~ceased its discharge to surface water, the permittee can request revocation of its individual authorization under the GPPC permit.~~

This change affects item E.9. on page 8 of Part IV.

Comment 15: Condition IV.F. of Appendix A – Chronic Toxicity Specifications requires control charts to be forwarded to the Department on an annual basis, on the anniversary of approval for the test species. The Department should clarify if the control charts are to be sent along with copies of the whole effluent toxicity (WET) test results and the address which to send them to. (Commentor 2)

Response 15: Control charts can be sent to:

NJDEP
Bureau of Point Source Permitting
Attention: Biomonitoring Unit
P.O. Box 029
Trenton, NJ 08625-029

These charts can be sent along with copies of WET test results since they are both sent to the same address. However, the permittee should always indicate the numeric WET test result on the appropriate monitoring report form.

This information is hereby incorporated into the Administrative Record.

Comment 16: Commentor 3 supports the Department's proposal to maintain pollutant discharge limits based on "no dilution" in the general permit. (Commentor 3)

Response 16: The Department acknowledges this support and hereby incorporates this information into the Administrative Record.

Comment 17: The Department proposes to apply different limits for pollutants depending on the type of waterbody where that discharge will occur. For example, limits for pollutants in discharges to estuarine or coastal waters are not as protective as limits for pollutants discharged to Category 1 waters. Commentor 3 opposes the application of less protective standards for specific waterbodies. Commentor 3 strongly urges the Department to apply the protective Category 1 criteria to all waterbodies. (Commentor 3)

Response 17: The Department notes that many of the effluent limits contained in Table C are identical to those in the other Tables. The Department does not have a sufficient technical or regulatory basis to impose effluent limits for Category One receiving waters as contained in Table C, to all other tables.

Nonetheless, the Department feels it worth noting that if special circumstances warrant more stringent limits than contained in the GPPC permit the Department always has the right to require an individual permit in accordance with N.J.A.C. 7:14A-6.13(e).

No change to the permit is necessary as a result of this comment.

Comment 18: The Department proposes to require chronic toxicity evaluations only when there are petroleum products and more than one metal is present in quantities equal to or exceeding the water quality standards. This is not a protective approach. The presence of multiple contaminants can produce additive or synergistic effects that enhance toxicity. Limits on individual pollutants can not protect against these cumulative effects from multiple contaminants. Therefore, at a minimum, the Department should require aquatic toxicity limits for all discharges with detectable levels of petroleum products and other priority pollutants. Commentor 3 further urges the Department to require toxicity testing and limits for all discharges. (Commentor 3)

Response 18: Based on available data from GPPC permit sites, the Department does not agree that WET limits are necessary for all discharges authorized under this permit. First, WET data has been collected from sites that have strictly petroleum product contamination as documented in the Fact Sheet. Toxicity was not shown at those sites. Secondly, toxic pollutants are treated to virtually non-detectable levels for both petroleum product constituents and other toxic pollutants. An extensive summary of all data collected under the existing GPPC permit is included on pages 20-23 of the Fact Sheet.

Therefore, based on this information, the Department does not agree that the contaminants present at GPPC sites show reasonable potential to violate WET standards. The only exception to this determination concerns sites where metals are present in excess of NJSWQS. Even at those sites, WET results are mixed where some sites show toxicity and others do not. Nonetheless, if metals are present in excess of NJSWQS, the Department has retained the most stringent chronic toxicity limit of 61% as an IC25.

Comment 19: The Department proposes to limit MTBE in discharges. The most protective limit imposed by the Department in the draft permit is 70 µg/L, the drinking water standard. Under certain circumstances, the permittee is not required to adhere to this standard but rather is required to reduce MTBE by 85%. Commentor 3 notes that the permit summary table contains an error by stating that MTBE limits are expressed as mg/L instead of µg/L.

Commentor 3 opposes these limits and urges the Department to impose stricter, more environmentally protective limits. Drinking water standards and the required 85% percent removal limit do not ensure that state waters are protected from MTBE and are not necessarily protective of effects to aquatic organisms. Furthermore, recent research documents the significant synergistic effect between MTBE and pesticides. Specifically, the presence of MTBE at relatively low concentrations significantly enhances the toxicity of pesticides. For example, toxicity of TBT was enhanced by the presence of MTBE. This is particularly relevant for coastal waters because TBT is a toxin commonly found in marina areas.

The standards in this draft permit are not sufficient and higher rates of MTBE removal have been documented. For example, MTBE removal projects in New Jersey have reported percent removal as high as 95 to 99%. One project in Island Heights used In Situ Chemical Oxidation to reduce MTBE levels to non-detectable concentrations as low as 4.8 µg/L. Commentor 3 recommends that the Department restrict MTBE discharges to the maximum extent that is technologically possible (which would be more protective than drinking water standards or 85% removal).

Response 19: With respect to the portion of this comment that indicates that the Permit Summary Table contained an error regarding the units for MTBE, please note that the commentor is correct. The Permit Summary Table should have read as follows:

PARAMETER	UNITS	AVERAG- ING PERIOD	WASTE- WATER DATA*	EXISTING LIMITS	TABLE A - FINAL LIMITS	TABLE B - FINAL LIMITS	TABLE C - FINAL LIMITS	TABLE D - FINAL LIMITS	TABLE E - FINAL LIMITS
Effluent MTBE	ug/L	Monthly Avg. Daily Max. # detected # non-detect	20.4 2510 536 1345	MR MR (4)	MR MR	MR 70	MR 70	MR MR	MR MR
Influent MTBE	ug/L	Monthly Avg. Daily Max. # detected # non-detect	2982 38,100 1588 232	MR MR	MR MR	MR MR	MR MR	MR MR	MR MR

It is important to note that there is no NJSWQS for MTBE at this time. The United States Environmental Protection Agency has not identified MTBE as a toxic pollutant at this time. Nonetheless, the Department has imposed a technology based limit of 85% removal for MTBE for some waterbodies and a drinking water standard of 70 µg/L for other waterbodies that have potable water intakes and limited dilution. The Department agrees that MTBE is showing a good response to treatment. As indicated by the above discharge data, MTBE effluent levels are being reduced to 20.4 µg/L on average. Therefore, the Department has determined that the effluent limits imposed in the October 29, 1998 master general permit are protective of receiving waters and has retained such limits in this renewal master permit.

The Department has determined that it does not have a sufficient basis to impose a drinking water standard of 70 µg/L for MTBE to all dischargers in the State at this time given the lack of NJSWQS. Many of the waterbodies in the State, for which the 85% removal limitation is imposed, are not used for potable water purposes. Based on available discharge data, the Department has determined that the existing limit of 85% removal is helping to ensure treatability towards the 70 µg/L limit.

The Department recognizes this commentor's concern about synergistic effects between MTBE and tributyl tin (TBT). However, the facilities covered under this general permit are typically gasoline stations and TBT or other pesticides are not expected to be present.

There have been no changes to this permit as a result of this comment.

Comment 20: The Department proposes limits for pollutants other than petroleum products in discharges, when those pollutants are present. The proposed limits for estuarine and coastal waters are not ecologically protective. Limits on priority pollutants should be the Recommended Quantitation Level (RQL) and below the Surface Water Quality Standards (SWQS). In cases where the RQL concentration exceeds the SWQS, then the Department should investigate and implement technology upgrades to achieve detection to the SWQS. (Commentor 3)

Response 20: The effluent limits contained in Table D of the permit are based on N.J.A.C. 7:14A-12, Appendix B. These limits are remediation standards and are therefore appropriate for remediation discharges authorized under the GPPC permit. Many of these limits are equivalent to RQLs and several are more stringent than NJSWQS.

The Department maintains that inclusion of these effluent limits is protective of the receiving waters by ensuring effective treatment as demonstrated by existing data. To support this statement, please refer to page 21 of the Fact Sheet which shows a summary of those pollutants listed under Table D for the general petroleum product clean-up permit issued on October 29, 1998. Most values are not detected and, even when detected, many values are below the RQL.

Another important consideration is that when a GPPC authorization is requested for a pump and treat remediation project, it is because the facility can not ensure hydraulic control of the contaminated groundwater plume. This could very well result in contaminated groundwater migrating off-site and negatively impacting aquatic biota in the receiving waters. Therefore, in order to ensure approval of these remediation projects in an expeditious manner, the Department has included requirements for other pollutants that may be present based on N.J.A.C. 7:14A-12, Appendix B.

Again, as stated previously, the Department always has the right to require an individual permit, which could contain more stringent limits in accordance with N.J.A.C. 7:14A-6.13.

No change to the permit is necessary as a result of this comment.

Comment 21: One drawback to a general permit is the fact that authorizations for discharges are not publicly reviewed. Applicants seeking authorization under this general permit should submit priority pollutant scans and toxicity test information. The Department should make this information available to the public via the Open Public Records Act. (Commentor 3)

Response 21: Upon finalization of this general permit, applicants that wish to seek authorization under such are required to submit a NJPDES permit application. Application requirements include a pollutant scan of conventional pollutants, volatile organics, base neutral extractables and acid extractables. Applicants must also publish a public notice in a newspaper in the vicinity of the project which serves to notify the public of the applicant's request for a general permit. All NJPDES applications are available for review in the Department's Central File room or can be requested via the Open Public Records Act. Therefore, this information is indeed available to the public for review.

No change to the permit is necessary as a result of this comment.